

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 201804423	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/20/2018 10:33 AM	Location of Incident: 108th Precinct stationhouse	Precinct: 108	18 Mo. SOL 11/20/2019	EO SOL 11/20/2019	
Date/Time CV Reported Sun, 06/03/2018 2:01 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Sun, 06/03/2018 2:01 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Diego Dotres	524	928217	108 PCT
2. An officer			108 PCT
3. An officer			108 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rejean Crooks	19110	936403	108 PCT
2. POM Hernando Alvericci	21897	934390	108 PCT
3. POF Stephanie Aquino	11011	964376	108 PCT
4. POM Rafael Beato	13326	942983	108 PCT
5. POF Sheena Hubbard	17086	952863	108 PCT
6. POM Alvin Grant	19649	950527	108 PCT

Officer(s)	Allegation	Investigator Recommendation
A. SGT Diego Dotres	Discourtesy: Sergeant Diego Dotres spoke discourteously to § 87(2)(b)	
B. An officer	Abuse: An officer asked about § 87(2)(b)'s immigration status.	
C. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
D. An officer	Abuse: An officer searched § 87(2)(b)'s recording device.	
E. An officer	Abuse: An officer deleted information on § 87(2)(b)'s electronic device.	

## Case Summary

On June 3, 2018, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System. This case was reassigned from Investigations Manager Raquel Velasquez to Supervising Investigator Jean-Paul Lozada on October 9, 2018.

On May 20, 2018, at approximately 10:33 a.m., § 87(2)(b) was arrested for § 87(2)(b) and was subsequently transported to the 108<sup>th</sup> Precinct stationhouse. While she was in a cell, § 87(2)(b) refused to be fingerprinted, and Sergeant Diego Dotres of the 108<sup>th</sup> Precinct allegedly said, “You are stupid. You are dumb. This is why you have these problems (**Allegation A: Discourtesy**, § 87(2)(g)). An unidentified officer entered the cell area and allegedly said, “Do you have papers? Are you a citizen or are you a resident? Or are you an immigrant? What do you want to do? Fix your papers? (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was removed from the cell, and another unidentified officer said § 87(2)(b)s handcuffs were not adjusted properly and proceeded to tighten the handcuffs. § 87(2)(b) told this officer that she was hurting her, and the officer allegedly threatened to tighten them more if she complained further (**Allegation C: Abuse of Authority**, § 87(2)(g)). When § 87(2)(b) picked up her cell phone from the 108<sup>th</sup> Precinct stationhouse after she was released, she noticed that a video that she had recorded the night before her arrest had been deleted (**Allegations D and E: Abuse of Authority**, § 87(2)(g)).

Body-worn camera (BWC) footage was obtained from the BWCs of Police Officer Alvin Grant, Police Officer Rejean Crooks, Police Officer Hernando Alvericci, Police Officer Andrew Ali, Sergeant Diego Dotres, Police Officer Sheena Hubbard, and Police Officer Rafael Beato of the 108<sup>th</sup> Precinct, but this footage did not capture anything that took place in the cell area or after § 87(2)(b) was removed from the cell. No clear misconduct is captured in this footage. This footage is saved in IA#22 through IA#29 and is summarized in IA#78 (Board Review 01).

## Findings and Recommendations

### **Allegation (A) Discourtesy: Sergeant Diego Dotres spoke discourteously to § 87(2)(b)**

§ 87(2)(b) filed this complaint with the CCRB via the call processing system on June 4, 2018, and she provided additional details to the Intake Unit over the phone on the same day. § 87(2)(b) was interviewed at the CCRB on June 26, 2018. Police Officer Crooks, Sergeant Dotres, and Police Officer Stephanie Aquino of the 108<sup>th</sup> Precinct were interviewed on August 23, 2018, August 30, 2018, and September 3, 2018, respectively.

§ 87(2)(b) stated that while she was alone in a holding cell Police Officer Crooks told her that she needed to be fingerprinted, and she refused to be fingerprinted because she was unfamiliar with the arrest procedure and wished to speak to an attorney. Sergeant Dotres entered the cell area and told § 87(2)(b) to give her fingerprints, and § 87(2)(b) continued to refuse to do so. Sergeant Dotres then allegedly said, “You are stupid. You are dumb. This is why you have these problems.”

Sergeant Dotres stated that approximately one hour after § 87(2)(b) was placed in a cell, Police Officer Crooks told him that § 87(2)(b) did not want to be fingerprinted. Sergeant Dotres explained to § 87(2)(b) that taking fingerprints was a normal step in arrest processing, and § 87(2)(b) agreed to be fingerprinted if she could speak to her attorney. Sergeant Dotres denied saying, “You are stupid. You are dumb. This is why you have these problems.”

Police Officer Crooks stated that he tried to fingerprint § 87(2)(b) who refused to be fingerprinted due to an immigration issue and asked to speak to an attorney. Sergeant Dotres then spoke to § 87(2)(b) and told her that the fingerprinting process had nothing to do with immigration. Police Officer Crooks did not recall how § 87(2)(b) responded to Sergeant Dotres. He did not hear Sergeant Dotres or any other officer say, “You are stupid. You are dumb. This is why you have these problems.”

Police Officer Aquino stated that she had no interaction with § 87(2)(b) after leaving the scene of her arrest, at which point she resumed her patrol. She did not hear any officer say, “You are stupid. You are dumb. This is why you have these problems.”

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation (B) Abuse of Authority: An officer asked about § 87(2)(b)'s immigration status.**

**Allegation (C) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that while she was in the cell and the officers attempted to get her fingerprints, an officer entered the cell area and said in Spanish, “Do you have papers? Are you a citizen or are you a resident? Or are you an immigrant? What do you want to do? Fix your papers?” § 87(2)(b) told this officer that she could not answer her questions, and the officer walked away. She described this officer as a uniformed 28- to 30-year-old Hispanic female who was approximately 5’2” tall and had light skin, an oval face, and light brown eyes. Another officer was present when the officer allegedly made this remark, but § 87(2)(b) was unable to describe this officer other than her being a uniformed female.

According to § 87(2)(b) while she was being escorted towards the front of the stationhouse, an officer approached her in a corridor and said her handcuffs were not adjusted properly. This officer tightened § 87(2)(b)'s handcuffs, and § 87(2)(b) complained that she was hurting her. The officer allegedly replied, “They’re not tight enough. If you complain more, I’ll tighten them more.” § 87(2)(b) described this officer as a uniformed 42- to 45-year-old Hispanic female who was approximately 5’2” tall and had a medium build and light brown hair.

The 108<sup>th</sup> Precinct Roll Call (Board Review 02) indicates that a total of eight Hispanic females worked during Tours 2 and 3 of May 20, 2018, five of whom matched her description of the subject of Allegation B, and six of whom matched her description of the subject of Allegation C (Board Review 03). § 87(2)(b)'s descriptions of the subject officers were not

specific enough to identify any of these officers specifically as one of the subject officers based on their pedigree information.

Police Officer Aquino, a Hispanic female, stated that she had no interaction with § 87(2)(b) after leaving the scene of her arrest, at which point she resumed her patrol. Neither Sergeant Dotres nor Police Officer Crooks heard any officer ask § 87(2)(b) about her immigration status or threaten to tighten her handcuffs.

On September 28, 2018, October 1, 2018, October 19, 2018, and October 30, 2018, calls were made to § 87(2)(b) but there was no response on any of these calls. On each of these calls, a voicemail was left for § 87(2)(b) asking her if she would be able to identify the subject officers in a photo viewing. On September 28, 2018 and October 11, 2018, unreturned Please Call to Arrange Photo Viewing letters were mailed to § 87(2)(b). On the same days, Please Call to Arrange Photo Viewing e-mails were successfully sent to § 87(2)(b). To date, § 87(2)(b) has not responded to any of these contact attempts to schedule a photo viewing.

§ 87(2)(g)

**Allegation (D) Abuse of Authority: An officer searched § 87(2)(b)'s recording device.**  
**Allegation (E) Abuse of Authority: An officer deleted information on § 87(2)(b)'s electronic devices.**

§ 87(2)(b) stated that when she picked up her cell phone from the 108<sup>th</sup> Precinct stationhouse after she was released, she noticed that a video that she had recorded the night before her arrest had been deleted. § 87(2)(b) did not see who deleted this video. She noted that her phone does not have a passcode.

Police Officer Crooks, the officer who vouchered the cell phone (Board Review 04), stated that when § 87(2)(b) asked to speak to her attorney, he charged her cell phone, turned it on, gave it to § 87(2)(b). § 87(2)(b) called her attorney, but there was no response. Police Officer Crooks then vouchered the cell phone. He denied doing anything else with § 87(2)(b)'s cell phone, and he did not see any other officer in possession of the cell phone. Police Officer Crooks denied searching through § 87(2)(b)'s cell phone and deleting her video, and he did not see any other officer do so.

Sergeant Dotres noted that he directed Police Officer Crooks to charge § 87(2)(b)'s cell phone, but he denied searching the cell phone or deleting her video, and he did not know of or see any other officer do so.

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 05).
  - Sergeant Diego Dotres has been a member-of-service for 17 years and has been a subject in nine other CCRB complaints and 21 allegations, of which none were substantiated. § 87(2)(g)
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**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York (Board Review 06) claiming injury and illegal eviction, and she is seeking \$35,000 as redress. As of December 28, 2018, there was no 50H hearing scheduled.

§ 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: 02

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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